

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GLY CONSTRUCTION, INC.,

Plaintiff,

v.

NEW HAMPSHIRE INSURANCE CO.,

Defendants.

No. 2:20-cv-1221-RSM

STIPULATED MOTION AND ORDER
FOR CONTINUANCE OF TRIAL DATE
AND CASE SCHEDULE

Noting Date: October 29, 2021

Plaintiff GLY Construction, Inc. and Defendant New Hampshire Insurance Company stipulate that the trial date in this matter be moved from its current setting of March 21, 2022 by approximately ninety (90) days, to or about June 20, 2022, with commensurate changes in the case schedule, and jointly move that the Court so order.

This is a dispute regarding insurance coverage for losses claimed by the Plaintiff as the result of a construction site accident (the collapse of a tower crane) in Seattle. Pursuant to a Joint Status Report submitted by the parties in February 2021 [ECF #12], the Court ordered that a five-day bench trial be scheduled in this matter commencing March 21, 2022, with a corresponding case schedule [ECF #13].

The parties have conducted and are further pursuing written and deposition

discovery in this matter. However, for a variety of reasons, including disruptions resulting from the current and ongoing Covid-19 pandemic, counsel's and the parties' ability to respond to discovery requests and conduct deposition discovery has not been sufficient to allow those tasks to proceed as quickly as counsel had hoped or allowed when earlier providing the Court with a proposed case schedule.

In addition, the parties are concerned that, while the matter may be resolved in whole or in large part by motion practice, between the discovery concerns noted above and the parties and counsel's other commitments during the time remaining for discovery and for briefing dispositive motions, they may not be able to best position the matter for such resolution.

Thus, the parties join in this motion, and submit that, ultimately, the most expeditious and economical manner of proceeding for all concerned would be to continue the trial date by approximately three months, with a corresponding adjustment of the discovery and dispositive motion filing deadlines (currently November 22, 2021 and December 21, 2021, respectively).

Based on the parties' good-faith and collaborative efforts to date and their joint motion herein, the parties request that the Court FIND good cause under Fed. R. Civ. P. 16(b)(4) and MODIFY its trial setting order, setting a new case schedule as follows:

BENCH TRIAL DATE	June 21, 2022
Length of Trial	5 days
Disclosure of expert testimony under FRCP 26(a)(2)	December 22, 2021
Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)	January 21, 2022

Discovery completed by	February 21, 2022
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	March 22, 2022
Mediation per LCR 39.1(c)(3), if requested by the parties, held no later than	May 6, 2022
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	May 24, 2022
Agreed pretrial order due	June 8, 2022
Pretrial conference to be scheduled by the Court.	
Trial briefs and proposed findings of fact and conclusions of law, designations of deposition testimony pursuant to LCR 32(e), and trial exhibits due	June 15, 2022

Wherefore, the parties jointly move for the trial date continuance and modification
of case schedule set forth above.

for Respectfully submitted,

<p>Dated this 29th day of October, 2021.</p> <p>GROFF MURPHY</p> <p>By: <u>/s/ Michael P. Grace (signed with permission granted 10/29/2021)</u> Michael P. Grace, WSBA No. 26091 300 East Pine Street Seattle, Washington 98122 mgrace@groffmurphy.com Attorneys for Plaintiff GLY Construction, Inc.</p>	<p>Dated this 29th day of October, 2021.</p> <p>GORDON THOMAS HONEYWELL LLP</p> <p>By: <u>/s/ Michael E. Ricketts</u> Michael E. Ricketts, WSBA No. 9387 E-mail: mricketts@gth-law.com 520 Pike Street, Suite 2350 Seattle, WA 98101 Attorneys for Defendant New Hampshire Insurance Company</p>
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ORDER

IT IS SO ORDERED.

DATED this 2nd day of November, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

GROFF MURPHY

By: /s/ Michael P. Grace (signed with
permission granted 10/29/2021)

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